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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,441	01/15/2004	Thomas E. Miller	30521/3054	5619

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EXAMINER

PENDLETON, DIONNE

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/758,441

Applicant(s)

MILLER, THOMAS E.

Examiner

Dionne H. Pendleton

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 3 7-9 11-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/15/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/15/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

This application contains claims directed to the following patentably distinct species:

- a) Species **A**, in figures 1-3
- b) Species **B**, in figures 4-5
- c) Species **C**, in figures 6-7
- d) Species **D**, in figures 8-10
- e) Species **E**, in figures 11-14
- f) Species **F**, in figures 17A-17C
- g) Species **G**, in figures 18A-18C
- h) Species **H**, in figures 19A-19B
- i) and Species **I**, in figures 20A-20C

The species are independent or distinct because they represent non-obvious embodiments.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

- j) During a telephone conversation with **G. Stanton on 9/19/2006** a provisional election was made without traverse to prosecute the invention of **Species E, claims 1,2,4-6,10 and 16-23**. Affirmation of this election must be made by the applicant in replying to this Office action. **Claim 3, 7-9, 11-15 and 24-39** are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
- k) At the time of Examination, **Claims 16-23** were found to be drawn to a separate embodiment, specifically **Species G**, shown in figures **18A-18C**. Since the limitations of claims 16-23 include language drawn to “a third leg portion” which is neither illustrated nor discussed in the specification with regard to the invention of figures 11-14, these claims have been withdrawn from further consideration as being drawn to a non-elected invention.
- l) This application contains **claims 3, 7-9 and 11-39** which are drawn to an invention nonelected without traverse . A complete reply to must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 10** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites that the width of second leg portion (**134**) is less than the width of the connection portion (**140**). However, the Applicant's specification, as well as figures provided in **figures 11-14**, fail to clearly show said limitation. In fact, the width (taken vertically so as to also meet the limitations of claim 1) of the second leg portion **134** appears to be larger than the width of the connection portion. Correction is therefore required. Since claim 1 also includes the limitation of claim 10, claim 1 is also rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1,2,4,5,6 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by **Carlson et al. (US 3,935,398)**.

Regarding claim 1, shown in **figures 2 and 3**, Carlson teaches an armature for a receiver, comprising: a first leg portion **60** having a thickness and width;

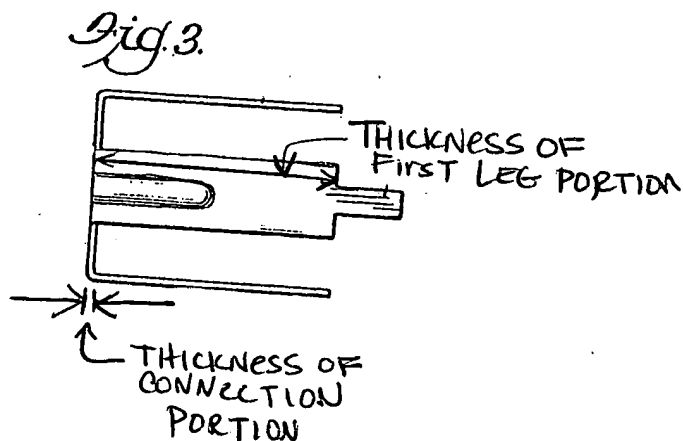
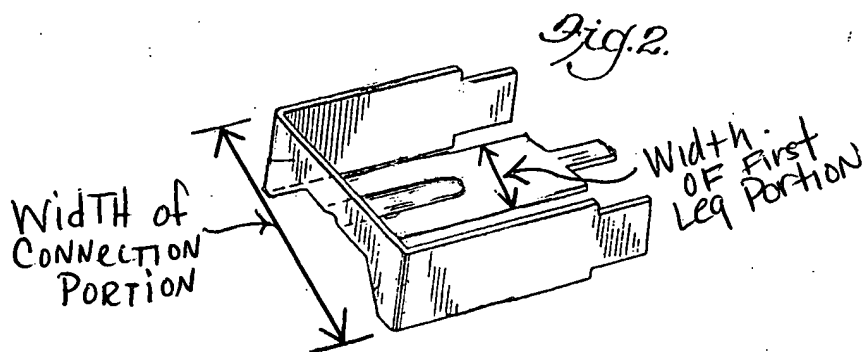
a U-shaped member comprising a second leg portion (**65 or 67**) spaced apart from the first **30**;

and the U-shaped member also comprising a connection portion (**61,63,68**) for coupling the first leg portion **60** with the second leg portion **65**;

since the armature disclosed by Carlson is constructed from thin metal material, said connection portion (**61,63,68**) therefore has some degree of flexibility, thus providing a flexible coupling, as claimed;

wherein the connection portion includes a reduced thickness which is less than the thickness of the first leg portion **60**; and

wherein the width of the connection portion (**61,63,68**) is greater than the width of the first leg portion **60**.

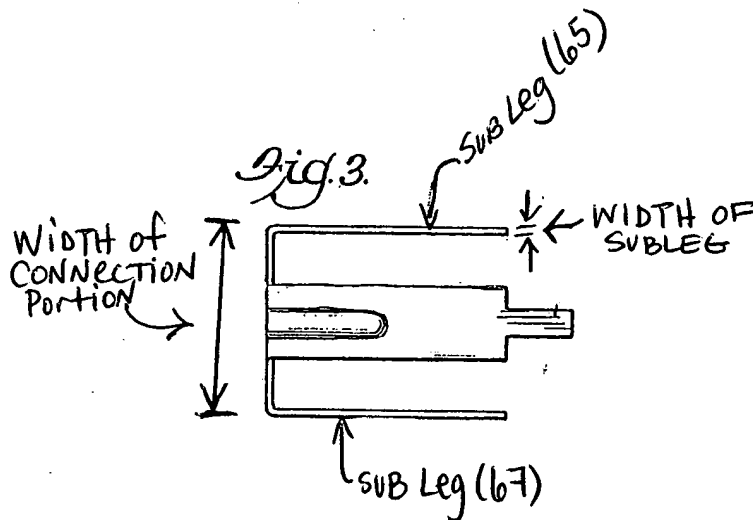


Regarding claim 2, in **figure 2**, Carlson teaches that the first leg portion includes a curvature **64** (also see **figure 5**), said curvature **64** of the first leg portion **60**, reading on "an angle" with respect to the connection portion (**61,68,63**) as claimed.

Regarding claim 4, Carlson teaches that the connection portion is integral with the first and second leg portion.

Regarding claim 5, Carlson teaches that the second leg portion comprises a first sub-leg **65** and a second sub-leg **67** spaced apart from one another.

Regarding claim 6, Carlson teaches that the width of each sub-leg portion (**65** and **67**) is less than the width of the connection portion.



Regarding claim 10, as best understood regarding the U.S.C. 112 second paragraph rejection above, in **figure 2**, Carlson appears to teaches that the width of the second leg portion (65 ) is less than the width of the connection portion.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne H. Pendleton whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
D. Pendleton

  
**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**